

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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DANIEL A. FOX,

Plaintiff,

v.

**ORDER**

Civil File No. 13-3231 (MJD/TNL)

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE CO.,

Defendant.

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James M. Sherburne, Sherburne Law Offices, PA, Counsel for Plaintiff.

C. Todd Koebele and Brent D. Kettelkamp, Murnane Brandt, PA, Counsel for Defendant.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung dated January 30, 2015. Plaintiff filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Leung dated January 30, 2015.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Tony N. Leung dated January 30, 2015 [Docket No. 38].
2. Plaintiff Daniel A. Fox's Motion for Summary Judgment [Docket No. 18] is **DENIED**.
3. Defendant State Farm Mutual Automobile Insurance Company's Motion for Summary Judgment [Docket No. 26] is **GRANTED** and the Complaint is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 5, 2015

s/ Michael J. Davis

Michael J. Davis  
Chief Judge  
United States District Court